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**Planning and Development Act 2000, as amended**

**Planning Authority: Laois County Council**

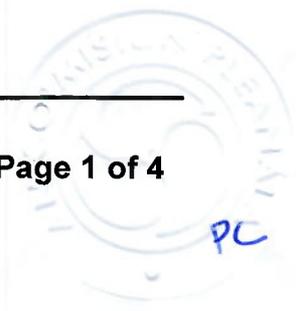
**Planning Register Reference Number: 25/60282**

**Appeal** by Shane and Kieva Holohan against the decision made on the 9<sup>th</sup> day of October, 2025 by Laois County Council to refuse permission for development comprising of retention of existing garage, including stables with new site entrance and permission for a proposed dwellinghouse, secondary treatment system and soil polishing filter and to include all associated site works, all at Forest Lower, Mountmellick, County Laois.

## **Decision**

**GRANT permission for retention of the existing garage, including stables with new site entrance, based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for the construction of a proposed dwellinghouse, secondary treatment system and soil polishing filter and all associated site works for the reasons and considerations marked (2) under.**



## Reasons and Considerations (1)

Having regard to the agricultural use of the site, Policy Objective RL 1 of the Laois County Development Plan 2021-2027, which seeks to 'maintain a vibrant and healthy agricultural sector', and the criteria for agricultural buildings set out under DM RL 1 of the development plan, it is considered that, subject to compliance with the conditions set out below, the proposed retention of the existing garage, including stables with new site entrance, would not be visually discordant or obtrusive on the site or in the landscape, would be in keeping with the character of the area, would not result in significant negative impacts on residential amenity, and would not result in a traffic hazard. The development proposed to be retained would not seriously injure the residential or visual amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The use of the structure to be retained shall be for agricultural purposes only.

**Reason:** In the interest of clarity and to regulate the development.

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:
- (a) Uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.
  - (b) All soiled waters shall be directed to an appropriately sized soiled water storage tank in accordance with the requirements of the European Union Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority.

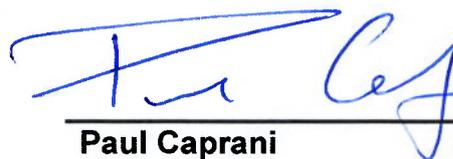
**Reason:** In the interest of environmental protection and public health.

4. All foul effluent and slurry generated by the development and in and around the stables shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

**Reason:** In the interest of public health.

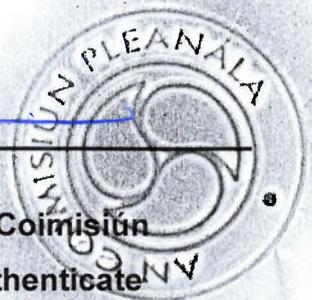
## Reasons and Considerations (2)

The site is located within an area designated as a Rural Area Under Strong Urban Influence (Table 4.4 of the Laois County Development Plan 2021-2027). Based on the information provided, the applicant has not demonstrated compliance with the local needs criteria as set out in the development plan. In particular, the applicant has not demonstrated that the planning application for the construction of the proposed dwellinghouse is being made by a long-term landowner, is engaged in working the family farm, is not working in rural activities, nor has the applicant demonstrated that they are a local rural person who has spent a substantial period of his/her life living in the local area. Furthermore, the documentation submitted does not demonstrate exceptional health circumstances in accordance with Policy Objective RH14 of the development plan so as to justify a dwelling in this rural location. In the absence of compliance with a local need criteria on exceptional health circumstances, the proposed development would materially contravene Policy Objectives RH 2 and RH 14 of the Laois County Development Plan 2021-2027 which require the applicant to meet the criteria as set in Table 4.4 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



**Paul Caprani**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this *19<sup>th</sup>* day of *March* 2026.